

Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 ACDA-19 NIC-01 IO-14 OMB-01 CIAE-00

DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-07 PA-04

RSC-01 PRS-01 SPC-03 SS-20 USIA-15 SAJ-01 EB-11

TRSE-00 SCA-01 DRC-01 /149 W
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P R 212113Z MAR 74

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 1240

INFO USMISSION BERLIN

USMISSION NATO BRUSSELS

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

C O N F I D E N T I A L BONN 4501

E.O. 11652: GDS

TAGS: PFOR, WB, GW, UR, US, UK, FR

SUBJECT: RESPONSE TO SOVIET PROTEST ON INTERNATIONAL
COVENANT ON POLITICAL AND CIVIL RIGHTS

REF: BONN 3577

1. AT MARCH 21 BONN GROUP MEETING, FONOFF REP
(LUECKING) ASKED IF ALL ALLIED CAPITALS HAD NOW APPROVED
DRAFT RESPONSE TO SOVIET PROTEST ON INTERNATIONAL
COVENANT ON POLITICAL AND CIVIL RIGHTS WHICH HAD EARLIER
BEEN REFERRED TO CAPITALS (REFTEL). WHEN TOLD SUCH
APPROVAL HAD NOT YET BEEN RECEIVED, LUECKING SAID HIS
AUTHORITIES WOULD BE GRATEFUL IF ALLIED CAPITALS COULD
TAKE INTO CONSIDERATION TWO MINOR CHANGES TO EARLIER
DRAFT WHICH THEY BELIEVED WOULD IMPROVE IT. ALLIED REPS AGREED
TO RECOMMEND CHANGES TO THEIR AUTHORITIES.

2. RE PARA 1(A) REFTEL, LUECKING ASKED THAT PHRASE
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"AND ALLIED LEGISLATION" IN SECOND SENTENCE BE DROPPED.

RE PARA 1(B) LUECKING ASKED THAT THREE WORDS BE DROPPED AND QUOTATION MARKS BE ADDED IN TWO PLACES, PRIMARILY FOR EDITORIAL REASONS. NEW REVISED TEXT FOLLOWS. BEGIN TEXT:

(A) WITH REFERENCE TO YOUR STATEMENT OF 18 JAN ABOUT EXTENSION TO BERLIN OF THE INTERNATIONAL COVENANT ON POLITICAL AND CIVIL RIGHTS, I AM INSTRUCTED TO REPLY AS FOLLOWS. THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS WAS EXTENDED TO THE WESTERN SECTORS OF BERLIN IN ACCORDANCE WITH LONG-ESTABLISHED PROCEDURES AND SUBJECT TO THE EXPRESSED UNDERSTANDING OF THE ALLIED KOMMANDATURA THAT ALLIED RIGHTS AND RESPONSIBILITIES ARE NOT THEREBY AFFECTED.

(B) THE PURPOSE AND EFFECT OF THE ESTABLISHED PROCEDURES FOR THE EXTENSION TO THE WESTERN SECTORS OF BERLIN OF INTERNATIONAL AGREEMENTS CONCLUDED BY THE FEDERAL REPUBLIC OF GERMANY, WHICH THE QUADRIPARTITE AGREEMENT OF 3 SEPT 1971 SPECIFICALLY ENDORSES, IS PRECISELY TO ENSURE THAT AGREEMENTS TO BE EXTENDED TO THE WESTERN SECTORS OF BERLIN ARE EXTENDED IN SUCH A WAY THAT QUESTIONS OF SECURITY AND STATUS REMAIN UNAFFECTED, AND TO TAKE ACCOUNT OF THE FACT THAT THESE SECTORS CONTINUE NOT TO BE A CONSTITUENT PART OF THE FEDERAL REPUBLIC OF GERMANY AND NOT TO BE GOVERNED BY IT. CONSEQUENTLY, THE EXTENSION OF SUCH TREATIES TO THE WESTERN SECTORS OF BERLIN BY MEANS OF THE ESTABLISHED PROCEDURES IN NO WAY IMPLIES THAT THESE SECTORS ARE BEGIN QUOTE WITHIN THE TERRITORY END QUOTE OR BEGIN QUOTE UNDER THE JURISDICTION OF END QUOTE THE FEDERAL REPUBLIC OF GERMANY.

(C) THERE IS THUS NO QUESTION THAT THE EXTENSION OF THE INTERNATIONAL COVENANT TO THE WESTERN SECTORS OF BERLIN IS IN ANY WAY INCONSISTENT WITH THE QUADRIPARTITE AGREEMENT. END TEXT.

3. COMMENT: WE SEE NO PARTICULAR PROBLEMS WITH THESE CHANGES AND RECOMMEND DEPARTMENT AGREE TO THEIR INCLUSION WHEN CONSIDERING DRAFT REPLY TO SOVIETS.
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